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Dr. Arati Prabhakar
Director, Office of Science and Technology Policy and
Assistant to the President for Science and Technology
Executive Office of the President
Eisenhower Executive Office Building
1650 Pennsylvania Avenue
Washington, D.C. 20504

Submitted electronically via regulations.gov

Re: Request for Information: National Priorities for Artificial Intelligence, Docket Number: OSTP-TECH-2023-0007

Dear Director Prabhakar,

The Center for American Progress (CAP) applauds the Office of Science and Technology Policy (OSTP) for undertaking this Request for Information to determine National Priorities for Artificial Intelligence (AI) to develop the National AI Strategy (Docket Number: OSTP-TECH-2023-0007).

CAP is an independent, nonpartisan policy institute that is dedicated to improving the lives of all Americans through bold, progressive ideas, as well as strong leadership and concerted action.

The Biden-Harris administration cannot afford to wait the many months it will take to digest this input to create a National AI Strategy. Generative AI is already commercially available to more than 100 million users, and these tools are now available for use by U.S. government agencies through leading government-used cloud computing services. Immediate action is required now to start an all-of-government effort to address the challenges of AI and set up the entities needed to execute the national AI strategy once it is developed.

The five categories outlined in the RFI all represent key priorities for a national AI strategy, and recommendations are detailed for each below along with overarching actions and legislation for AI. An all-of-government approach requires leveraging all the tools of government. CAP outlines recommendations and key thoughts that include a combination of potential executive actions, needed legislation, private/public sector goals, and more below.

Sincerely,

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The Center for American Progress

Executive Summary

The Center for American Progress (CAP) believes that an all-of-government approach is necessary to address the challenges and opportunities of artificial intelligence (AI) in a National AI Strategy. The Office of Science and Technology Policy (OSTP) Request for Information National Priorities for Artificial Intelligence (Docket Number: OSTP-TECH-2023-0007)[1] outlines five key issue areas: Protecting rights, safety, and national security; Advancing equity and strengthening civil rights; Bolstering democracy and civic participation; Promoting economic growth and good jobs; and Innovating in public services. These issue areas are critical to a National AI Strategy and overlap with the key CAP priorities of Building an Economy for All, Restoring Social Trust in Democracy, Advancing Racial Equity and Justice, and Tackling Climate Change and Environmental Injustice.[2] All of the federal government's tools must be developed and used to address the challenges and opportunities of AI including immediate executive action, maximum utilization of existing authorities, crafting new AI legislation, and international cooperation. CAP's recommendations for doing so are detailed here.

Executive Action on AI

To address AI's challenges and opportunities head on and to prioritize protecting the American people and safeguarding the country's values, the president should immediately issue an Executive Order on AI. This new AI EO should make the White House Blueprint for an AI Bill of Rights[3] binding for federal government use of AI and to immediately establish a new White House Council on AI, among other things that CAP has previously recommended.[4] The AI Bill of Rights lays out five principles that are essential for trustworthy use of AI, "systems that are safe and effective; that protect us from algorithmic discrimination; that protect our data privacy, that allow insight into when and how they are being used; and that offer viable alternatives for opting out of their use."[5] Ensuring the federal government implements the administration's Blueprint for an AI Bill of Rights would provide clear leadership in an uncertain AI space. Immediate action is required now to start an all-of-government effort to begin to address the challenges of AI and set up the entities needed to execute the national AI strategy once it is developed.

Policy Recommendations

- **A new AI EO should require federal agencies to implement the Blueprint for an AI Bill of Rights for their own AI usage.** A new AI EO should require implementation of the Blueprint for an AI Bill of Rights for all federal agencies for their own usage of AI, with a plan due to the new White House Council on AI within 90 days for implementation by 2024.[6] More than 63 civil rights organizations, led by the Leadership Conference on Civil and Human Rights (LCCHR), support making the AI Bill of Rights binding[7] and four National Artificial Intelligence Advisory Committee (NAIAC) members "advocated to anchor this Committee's work in a foundational rights-based framework, like [. . .] OSTP's October 2022 Blueprint for an AI Bill of Rights."[8]
- **A new AI EO should require all AI tools deployed by federal agencies or contractors to be assessed under the National Institute of Standards and Technology (NIST) AI Risk Management Framework and summaries to be publicly released.** The president should use his authority under the Federal Property and Administrative Services Act of 1949 (FPASA) to require all federal contractors and subcontractors to assess any AI tools they use or deploy under the NIST AI Risk Management Framework,[9] with implementing regulations to be expedited by the Federal Acquisition Regulatory Council (FAR), and to release public summaries of those risk assessments.[10] This recommendation was also made by the NAIAC in their year 1 report.[11]
- **The president should issue an AI EO immediately and set an end of the year deadline for the National AI Strategy.** While the development of a National AI Strategy is important, an-all-of government response to the challenge of AI cannot wait. The president should issue a new AI

EO immediately and OSTP should commit to publicly deliver the National AI Strategy no later than the end of 2023.

- **Require federal agencies to assess the use of AI in enforcement of existing regulations and address AI in future rulemaking to the maximum extent practicable.** The president should require federal agencies to assess whether the use of AI by the entities they regulate could implicate their enforcement of existing statutes and regulations, and if appropriate, address that use in future rulemaking to the maximum extent possible under existing authorities.[12]
- **Require that all new federal regulations include an analysis of how the rulemaking would apply to AI tools.** The president should amend EO 12866, "Regulatory Planning and Review,"[13] to require agencies to provide to OMB—and include in any final rule—an assessment of how any proposed regulations would or would not apply to AI tools.[14]
- **Order all federal agencies to identify all existing authorities that allow them to act on AI and publish a plan within 90 days publicly explaining how they will leverage those laws and regulations to protect Americans from harms coming from AI.** While technology from automated systems and AI may be new, it does not mean that existing laws and regulations no longer apply. As FTC Chair Khan noted, "There is no AI exemption to the laws on the books."[15] Following the example of the joint DOJ, FTC, CFPB, and EEOC statement on enforcement efforts against discrimination and bias in automated systems,[16] the White House should require all agencies to reevaluate and detail their existing authorities on AI; submit an updated plan to detailing how they will aggressively leverage their existing authorities on AI; and publicly post the list detailing their existing authorities and plans to use them.

AI Legislative and Regulatory Issues

As CAP noted in its response to the June 2023 National Telecommunications and Information Administration (NTIA) Request for Comment (RFC) around AI accountability, "Fundamentally, direct government regulation will be needed to ensure the development and deployment of trustworthy AI."[17] Principles-based regulation, especially for high-risk uses, is critical to ensuring that new and existing artificial intelligence technologies are developed and deployed in a trustworthy and safe manner. The administration's Blueprint for an AI Bill of Rights[18] is an attempt to enshrine early timeless principles around the rights of people in a world predicted to be increasingly driven by automated systems. Congress should imminently propose principles-based regulation based on the Blueprint for an AI Bill of Rights[19] that both defines specific practices that would be explicitly outlawed and enumerates broader principles around which regulators could interpret and craft rules.[20] The combination of clear guardrails and a principles-based approach offers flexibility to address future problems. Legacy approaches to online trust and safety for social media and content-based harms do not apply in the same or easily transferable ways to AI technologies. The president should make key recommendations to Congress as they begin work on AI legislation.

Policy Recommendations

- **The president should support AI legislation that includes codifying some of the principles of the AI Bill of Rights into law.** Specifically, the principles of Safe and Effective Systems[21] and Algorithmic Discrimination Protections[22] should be codified in statute and then interpreted through regulation by federal agencies. The Safe and Effective Systems principle would ensure the right to be protected from automated systems in an on-going manner as they are designed and deployed, which could be fulfilled with a duty of care provision. Algorithmic Discrimination Protections that specifically prohibit algorithmic discrimination, while not undermining any existing civil rights laws, are essential given the already widespread deployment of automated systems with known algorithmic disparate impact concerns. In addition to laying out enforceable principles, the legislation should also lay out specific unlawful practices, and a designated

regulator should develop and enforce new rules for specific technologies, practices, or markets.[23] Consistent with recent Supreme Court jurisprudence, the legislation must make specific and clear delegations of authority to avoid challenges under the so-called major questions doctrine.

- **The president should support legislative proposals that include new or updated laws to address liability related to AI tools, designate high-risk cases or sectors, require pre-approval for deploying highest risk AI applications, prohibit unacceptable risk uses, and prevent and respond to threats of catastrophic risk.** Comprehensive AI legislation must address liability concerns, allow the designation of high-risk cases and sectors, the highest risk cases or sectors should be able to go through a government review before deployment, and prohibit certain dangerous uses.[24] The high-risk cases or sectors should not be limited to public safety or national security but should include areas where automated systems can have an outsized impact on the individual or collective's livelihood. AI liability concerns in areas where the impact on Americans' lives and bodily autonomy are central—such as health care or criminal justice —necessitate special care in order to avoid racial and other biases in decision making, as noted in the Blueprint for the AI Bill of Rights.[25] Distinguishing these high-risk cases and sectors for the United States will be critical for future AI legislation. For example, the European Union's (EU) AI Act's high-risk categories include employment or essential private and public services, such as credit scores, and will become the de facto global standard absent U.S. regulation; thus, this represents a likely area for global coordination and harmonization.[26]
- **Congress should ensure the necessary technical requirements and legal authorities are in place to deal with dangerous AI.** To address the potential public safety and national security threats of AI, Congress must provide the necessary technical requirements and legal authority to address threats, such as mandating technical kill switches in AI deployments or granting the president the power to temporarily to remove dangerous AI from interstate commerce. The challenges faced in acting against TikTok[27]—which is owned by a foreign company—are illustrative of the even greater challenges a president might face in attempting to act swiftly against a dangerous, domestically developed AI system. Proposed new laws like the RESTRICT Act, which include the ability for action from the executive branch with expediated interventions from the legislative and judicial branches, may provide inspiration.[28]
- **AI regulations should publicly reinforce the importance of holding private companies accountable for their AI systems.** AI regulation should include robust accountability mechanisms to hold "designers, developers, and deployers of automated systems"[29] to a high standard, whether through first party or third-party use of AI. This may include certifications, audits, and assessments. These accountability measures can promote trust with external stakeholders and act as a forcing function for AI developers to develop and design their product responsibly, bolstering the internal processes required to build these systems.
- **Designate a specialized AI regulatory agency, either by expanding authorities of an existing federal agency or creating a new federal agency.** The broad use and specialized nature of AI means any new law to address key issues will need expanded administrative capacity in the federal government. Any new AI legislation should designate a federal agency to create and enforce new rules. As CAP's landmark 2021 "How to Regulate Tech" report noted, "Expansion of existing agencies and consideration of new agencies should both be on the table. In either case, these proposals require significant expansion of the U.S. government's capacity and expertise."[30]

Advancing Equity and Strengthening Civil Rights

For as long as technology has existed, it has been a tool with the potential to advance equity and strengthen civil rights but has too often has resulted in inequitable outcomes and the regression of hard-fought civil rights. As the LCCHR noted in April 2023, "The growing landscape of AI policy must continue to center equity and civil rights" and that "Rather than entrench bias and automate discrimination, technology should create opportunity, safety, and benefits for all."[31] Past language from

the previous administration's AI executive actions and OMB guidance barely mentions equity or civil rights and should not be the primary executive branch AI guidance for the federal government.[32] While it is possible for automated systems to increase equity or civil rights, it is often difficult to summon clear real-world examples at the same scale as even the existing harms, much less future predicted harms. As CAP noted in its comments with the FTC and CFPB on their Tenant Screening Request for Information, "Any positive examples of automated systems in tenant screening that address concerns should be highlighted where appropriate, and if there are no positive examples to highlight, that should be a clear warning for regulators and the industry."[33]

Policy Recommendations

- **Ensure that any new AI Executive Order, new OMB AI guidance, and other AI efforts from the federal government center equity and civil rights as ordered by the existing Executive Orders to Advance Racial Equity and Support for Underserved Communities.** Any new AI EO or OMB guidance should center racial equity, support for underserved communities, and civil rights as laid out in the 2021 EO 13985 "Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government"[34] and 2023 EO 14091 "Executive Order on Further Advancing Racial Equity and Support for Underserved Communities Through The Federal Government"[35] and as outlined in CAP's recommendations to advance equity.[36] This guidance should include how agencies can develop shared policy to ensure that their algorithms demonstrate effectiveness—through proper testing and auditing—without compromising anti-discrimination principles prior to use.
- **Develop bias and equity training for the federal workforce that relates to AI systems, development, and algorithmic use on Diversity, Equity, Inclusion, and Accessibility in the federal workforce**. In line with EO 14035 "Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce,"[37] federal agencies should coordinate bias and equity trainings in the use of AI through their agency equity teams, in collaboration with National Science and Technology Council (NSTC) Subcommittee on Equitable Data.
- **Support a federal privacy law and encourage existing privacy rulemaking efforts.** AI requires vast amounts of data to train and operate, meaning that data protection legislation is critical. The administration should continue efforts to pass comprehensive federal privacy legislation, such as the 117th Congress's American Data Privacy and Protection Act (ADPPA),[38] to protect data and digital civil rights.[39] The Blueprint for an AI Bill of Rights includes a data privacy principle[40] and the president has repeatedly endorsed privacy legislation.[41] In the meantime, to the maximum extent possible, while respecting the independence of agencies, the administration should encourage the FTC rulemaking efforts on commercial surveillance and data security.[42]
- **Appoint a Federal Chief Accessibility Officer and develop new priorities for digital accessibility utilizing AI.** The president should appoint a new Federal Chief Accessibility officer at the General Services Administration, which currently assists with 508 compliance,[43] to coordinate aspects of the federal government's efforts on accessibility, including digital accessibility, and promote the development of AI for accessibility. The Biden-Harris administration has previously emphasized the importance of Diversity, Equity, Inclusion, and Accessibility with the 2021 EO 14035.[44] AI has tremendous potential to increase accessibility online and offline for the disability community, such as the automated generation of closed captioning for online video.[45] The federal government has long mandated accessibility in its own websites and services with Section 508, but no such mandates exist online for non-government actors and should be made a critical focus.[46]

Protecting Rights, Safety, and National Security

To address and lead on regulating the risks and benefits AI will have on public safety and national security, it is critical that the U.S. maintains both its technological superiority and its values while promoting its geopolitical competitive advantage. The U.S. must act as a global model for enacting a human rights-centered approach to AI applications that reinforces democratic principles instead of trading off against them.[47] As echoed by U.S. Deputy Secretary of Defense Kathleen Hicks in a recent op-ed, it is crucial for U.S. national security forces to utilize AI for defensive and strategic benefits, but those efforts must coincide with promoting a responsible, values-driven approach to AI globally.[48] The U.S. should play a leadership role in addressing potential risks in conjunction with governments around the world. Forums like the U.S.-EU Trade and Technology Council (TTC) or the Organisation for Economic Co-operation and Development (OECD) enable the U.S. to regulate AI in lockstep with global partners, which, from a national security perspective, is a wiser approach than having the EU regulate AI and the U.S. market unilaterally through the "Brussels effect." Additionally, robust accountability mechanisms and legal authorities should be introduced now to help mitigate these future risks.

Policy Recommendations

- **The president should have the technical and legal authority to turn off domestic and foreign AI systems that may pose a threat to the safety of the American people.** The president should direct the National Security Council (NSC) and OSTP to assess and offer potential recommendations, including legislation, to mitigate threats from the most potentially dangerous uses of AI—such as runaway artificial general intelligence[49]—that may pose a threat to the safety and well-being of the United States and its citizens. To address potential risk, the NSC and OSTP should outline options available to the president among existing authorities and highlight gaps in presidential authority to act on AI. They should provide recommendations to the administration and Congress on the need for new technical requirements and legal authorities.
- **Increase international cooperation among likeminded countries, with the goal of establishing global "redlines" in developing and deploying AI.[50]** International cooperation on AI must expand, possibly taking inspiration from recent efforts to coordinate globally on climate change. International cooperation must increase to ensure that AI usage is aligned with human rights, democracy, and freedom of expression. AI will soon be regulated in the EU with the passage of the AI Act, which will establish risk classifications for different AI uses.[51] The U.S. risks leaving Brussels as the primary AI regulator, as they are for large digital platforms with the Digital Services Act (DSA) and Digital Markets Act (DMA). Notably, China has exported AI-driven surveillance architecture and digital infrastructure to 63 other countries, raising risks of this technology being employed by other authoritarian states and posing a direct national security risk for the U.S.[52] The U.S. has an opportunity to help shape the global adoption of AI and ensure that it does not increasingly promote rights-infringing systems.[53] The U.S. should lead international convenings on AI and spearhead a global 'redline' approach for governments to align on appropriate AI usage in national security and consent to which AI practices should be prohibited globally. The U.S. should utilize existing governmental organizations, such as the OECD, to seek an international convention on AI governance standards. In tandem OSTP, the Department of Defense (DOD), State, Commerce and the NSC should undertake research to determine which AI uses the U.S. should prioritize for global restriction.
- **The U.S. must invest in AI capabilities (including R&D) for military and intelligence defensive purposes.** China, the United States' primary geopolitical competitor, has announced a roadmap to become the world leader in AI by 2030.[54] This roadmap encourages China's commercialization of AI for military usage, reinforcing the importance of how the U.S. applies AI to defensive security measures. With other governments increasingly utilizing AI within military operations, including AI-enhanced facial recognition software throughout the Russia-

Ukraine war,[55] it is critical for the U.S. to maintain a competent technological defense. The U.S. Defense Budget for FY24 prioritizes this, with $1.8 billion set aside for AI investment.[56] This budget should be carefully allocated, including for DOD-funded research and development that can pinpoint U.S. defensive weaknesses that can be supported by AI technologies. R&D should also focus on how the negative implications of AI (ex: amplification of bias, lack of transparency) can play out militarily. For example, insufficient databases of diverse individuals and amplification of biases through AI will likely have serious implications for using AI facial recognition within conflict zones.

Energy and Environment

As public investments advance the development of domestic clean energy infrastructure and supply chains, there is opportunity to leverage AI to improve the availability, efficiency, and affordability of clean energy.[57] However, greater use of advanced AI could significantly increase carbon emissions, due to the increase in computing power required[58] and an expected uptick in demand following widespread deployment of generative AI.[59] Advanced AI technology such as Large Language Models (LLMs) utilize vastly more computing power,[60] and thus more energy and water,[61] than traditional forms of cloud computing (which are already of great environmental concern).[62] A lack of transparency on advanced AI obscures its carbon footprint and potential impacts to the power grid,[63] especially for the few cloud computing providers that have AI datacenter infrastructure.[64] In addition, generative AI has the potential to further degrade the information integrity spectrum by increasing hyper-targeted climate misinformation campaigns. These campaigns, in combination with the oil and gas industry's current and potential use of AI to accelerate their operational capabilities,[65] may collectively jeopardize the government's efforts to encourage the combination of public and private investments[66] necessary for achieving net-zero emissions economy by 2050.[67]

Policy Recommendations

- **OSTP should be tasked with assessing if AI will negatively impact the administration's climate change goals for 2030 and 2050.** It is critical to analyze the impact of AI technology on existing climate commitments from companies or governments and how increased demand for AI is considered in future carbon emission predictions. It should also determine a process to help track increased carbon emissions from the expected increased U.S. government use of AI. This analysis should model the OSTP Fact Sheet on Climate and Energy Implications of Crypto-Assets from 2022.[68]
- **OSTP should research and issue a report on the positive and negative impacts of AI on climate change.** OSTP should be tasked with creating a report should seek to understand the impact of advanced AI, like LLMs, on increasing or decreasing carbon emissions, modernizing power grid infrastructure, and using data analytics to develop climate adaptation solutions for vulnerable communities. Additionally, it is critical to analyze the impact of technology, including what may predate LLMs, on existing climate commitments and how increased demand for AI is considered in future carbon emission predictions.
- **To advance clean energy infrastructure and supply chain initiatives, agencies should ethically and securely leverage AI to expand the government's operational capacity.** The public sector has opportunities within existing guidance that set the foundation for agencies to utilize AI to expand the government's operational capacity.[69] This could condense timelines for intricate inter-agency efforts required for developing clean energy infrastructure and supply chains, including conducting research,[70] accessing large amounts of climate,[71] and environmental data,[72] and encouraging public engagement.[73]

Promoting Economic Growth and Good Jobs

AI has the potential to benefit workers by creating jobs, raising worker productivity, lifting wages, boosting economic growth, and increasing living standards.[74] However, AI also can harm workers by displacing workers, eroding job quality, increasing unemployment, and exacerbating inequities.[75] Policymakers will shape whether and how AI benefits or harms workers, either through their action or inaction. Past labor market disruptions, including inadequate policy responses[76] to World Trade Organization (WTO) governance of trade and its associated localized economic and democratic costs,[77] prove the need for a proactive, worker-centered strategy. CAP recommends a central component of the National AI Strategy be a plan designed to mitigate against worker harms and ensure workers' benefit from AI.[78] Majority Leader Schumer has named security as a key component of his SAFE Innovation AI framework with security including national and workforce security.[79] Thus, these policy recommendations include items include a mix of administrative, legislative, and regulatory ideas.

Policy Recommendations

- **The National AI Strategy must contain a plan to address economic impacts from the use of AI, especially potential job losses.** The National AI Strategy must include a plan to address the potential economic and job impacts with a proactive, worker-centered strategy to ensure workers benefit from AI and are not solely harmed by it. CAP has previously called for the White House and appropriate agencies to create a national plan of action to address potential economic and job impacts from AI.[80]
- **To ensure workers benefit, the government should respond to the needs of workers displaced by AI adoption, including with a job guarantee.** Effective approaches to AI job displacement include adopting a job guarantee to help ensure workers are able to find employment; [81] enhancing the social safety net, including modernizing Unemployment Insurance (UI) by expanding eligibility;[82] increasing benefit levels and expanding time allowed on UI; or creating a similar model to DOL's Trade Adjustment Assistance, with a focus on job loss due to technological disruption.
- **To mitigate against potential labor and economic harms, AI generation should be steered in a manner to complement not replace workers.** The government should enact labor protections, including EU-style laws[83] limiting the ability of firms to lay off workers and ban certain uses and practices, including those that are discriminatory or violate worker privacy. In addition, the government must fix our flawed labor law system that undermines workers' bargaining rights so that workers who want to form a union are able to do so take additional steps to help workers better use collective bargaining as technology increasingly disrupts industries. Additionally, a National AI Laboratory could be created as an extension of the CHIPS and Science Act to create and share labor-augmenting AI tools that help workers.
- **Tax policy should be used to direct AI development in a positive direction**. This could include a general monopoly tax that would reduce tech giant domination of AI development.[84] Conversely, tax credits could reward development and adoption of labor-augmenting AI.
- **Expand investment in upskilling, reskilling, and retraining workers, ensuring workers benefit financially, and that new jobs are good jobs that are available to a wider pool of workers**. As AI grows across sectors of the economy, the workforce that will be involved in developing, training, testing, and using AI will grow proportionately. To ensure that teams, organizations, and governments that use AI include diverse perspectives and backgrounds that can reduce biases and discrimination, federal investment in R&D of AI technologies should provide pathways to education and workforce development opportunities for disadvantaged communities. Similar to collaboration spurred by the CHIPS and Science Act in partnering with HBCUs, these investments can place more people from underrepresented backgrounds into the technology sector.[85] In addition, registered apprenticeship and other types of labor management

training partnerships can help support workforce stability during periods of technology change while ensure that workers can access paid, high-quality reskilling and retraining programs that serve their needs. This serves the dual purpose of expanding the pool of available workers in new roles and ensuring on-the-job training.

- **Adopting active labor market policies.** This would be aimed at not just workers displaced from AI but also those that could be displaced by ensuring they are ready for the impacts of technological disruption on work. These can include replicating paid educational leave models in the EU. For example, in Austria, workers can take two months to one year of paid leave for education.[86]
- **Break down barriers to STEM educational attainment and workforce participation for underrepresented groups, such as Black and Hispanic workers, and women, as demand for specific STEM skills grows.** This includes partnering with HBCUs,[87] Hispanic-Serving Institutions, Tribal Colleges and Universities,[88] and community colleges;[89] and for women, ensuring the STEM industry is equitable and safe and free from harassment and improving funding for EEOC and Office of Federal Contract Compliance Programs (OFCCP) to ensure better enforcement of federal anti-discrimination and harassment laws.[90]
- **Support the passage of the Senate tech antitrust bills.** Potential self-preferencing means competition may be stifled in the AI market, especially as the largest technology companies also control the commercial cloud computing data center infrastructure most advanced AI runs on.[91] CAP-endorsed Senate tech antitrust bills introduced in the 117th Congress and reintroduced in the 118th Congress, specifically the American Innovation and Choice Online Act (AICOA),[92] would give enforcers more tools to ensure fair competition among designated large covered platforms including AI commercial cloud computing.

Bolstering Democracy and Civic Participation

It is critical that efforts are taken —both by the technology companies that develop and deploy AI and by the federal government— to protect against the threats that AI poses to our democracy. Without meaningful protections and regulatory frameworks, AI should simply not be allowed to exist if it stands to destabilize our democratic institutions. The most fundamental aspect of our democracy is the right to vote. AI should be limited from interfering with this most core element of our democracy, therefore, human oversight of vote counting, and election rolls should be maintained. Over the past few years, the information ecosystem has proven to be critical to the health of our democratic institutions. It is now clear that the threat of disinformation can destabilize our democracy as bad actors—both domestic and foreign—can easily spread disinformation online about candidates, election information, and more. AI can exacerbate the existing problem of disinformation and contribute to this threat on a more sophisticated scale.

Policy Recommendations

- **Encourage the limitation and responsibility of the use of AI systems as it pertains to election administration.** While AI has the opportunity to improve the election process and strengthen the franchise, the potential for harm from AI in election administration is so great that any use of AI must have a highly compelling reason for its use. Any application of AI in elections should be treated as a component of election infrastructure and only be allowed after rigorous steps are taken to ensure it is safe, effective, transparent, auditable, and that it strengthens the franchise. For example, while signature verification is fraught with risk due to its subjective nature and often inadequate training to carry it out successfully, it may be enhanced by AI tools; AI may mitigate inconsistency considerations, presuming that the tools are appropriately trained, auditable, and demonstrate no significant biases. Election officials, election administrators, the civil rights community, and voting rights advocates should be extensively involved in the

development and deployment of any AI system that pertains to election administration. Processes should retain certain degrees of human oversight to maintain public trust in the electoral process. AI systems used for federal elections should also be required to undergo a federal certification process administered by agencies such as the Cybersecurity and Infrastructure Security Agency (CISA) and the Election Assistance Commission (EAC) as well as testing by our national laboratories.

- **Promote and encourage innovation to detect deep fakes and disinformation campaigns.** OSTP should bring together the private and public sectors to develop high-accuracy detection tools for AI-generated content. This includes coordinating with the private sector on new technologies, allocating additional federal funding to allow the NSF or others to research the issue, and developing new technology through agencies like DARPA. With the looming threat of disinformation through coordinated campaigns, which is becoming increasingly difficult to detect, the federal government should determine what tools exist to help identify AI-generated content and how to make them more widely available to state and local election officials.
- **Implement the NSTC Roadmap for Information Integrity Research and update the report with new recommendations related to Generative AI.** The administration should move to implement the 2022 NSTC report "Roadmap for Researchers on Priorities Related to Information Integrity Research and Development"[93] and issue a follow-up report with new recommendations following the conclusion of public input on generative AI from the PCAST Working Group on Generative AI.[94]
- **CISA should continue the efforts started in 2020 to correct any misleading information produced and spread by AI about elections and work closely with Information Sharing and Analysis Centers (ISACs) on AI-related issues.** CISA should continue the efforts started in 2020 to counter election-related disinformation and misinformation in 2020,[95] including closely working with state and local election officials and administrators to identify and counter dis/misinformation. The federal government should engage in public information campaigns and reiterate that accurate information is published on .gov websites. Additionally, CISA should utilize the Elections Infrastructure Information Sharing & Analysis Center (EI-ISAC) and Multi-State Information Sharing and Analysis Center (MS-ISAC)[96] to increase awareness about the potential impacts of AI systems on election administration and election dis/misinformation.
- **Enhance cybersecurity measures for election infrastructure and ensuring AI-system vendor security standards.** CISA should explore the possible applications of AI to cyberattack vulnerable election infrastructure, share this knowledge with state and local election officials, and publish their findings and recommendations.[97] The federal government should enact comprehensive security requirements for election infrastructure and conduct regular risk assessments in order to ensure its integrity and resilience while implementing guardrails against cyber threats as it aligns with the administration's national security strategy and national cybersecurity strategy.[98] Additionally, the federal government should require physical and cybersecurity standards for election infrastructure vendors as a matter of critical infrastructure and national security, including any AI-system vendors which provide services for election administration.
- **Ensure that AI-related election interference is socialized and ready to be tackled by the intelligence community (IC).** The federal government should ensure that the Office of the Director of National Intelligence's (ODNI) new Foreign Malign Influence Center (FMIC)[99] – which has the primary authority for analyzing and integrating intelligence on foreign influence operations – as well as IC agencies' individual foreign influence offices are working to socialize the potential impacts of AI-related foreign malign election interference and have responses and countermeasures in place. The FMIC should also be ready to coordinate the IC's response in the case of any AI-related interference in the 2024 election cycle and ensure that information on any interference is appropriately shared with election officials, media outlets, and the American

public in a timely manner. Lastly, the NSC should be involved, and efforts made to share information with state and local election authorities.

Innovating in Public Services

The administration has a unique opportunity to address innovation in public services with the opportunities created by AI. This should have a few focuses, including how to advance AI for public good with expanded access to government services. RFI Question 27 asks "What unique opportunities and risks would be presented by integrating recent advances in generative AI into Federal Government services and operations?" It is important to understand that integration of generative AI into the federal government is already underway and likely to accelerate long before the conclusion of the national AI strategy. Generative AI is already commercially available to more than 100 million users[100] and Microsoft has announced the availability of the generative AI technology OpenAI for government, allowing Azure Government cloud computing infrastructure access to OpenAI's GPT-4, GPT-3, and embeddings.[101]

Policy Recommendations

- **Commission a report on how to advance AI for public good for expanded access to government services, ensuring greater public participation, and continued protection of rights.** The president should task the NSTC[102] Select Committee on Artificial Intelligence[103] with drafting a report articulating a vision for advanced AI for the public good, with a focus on leveraging technology to expand access to essential government services and protection of rights, while preserving the American public's privacy. This should outline how to invest in increasing the capacity of governments to innovate and empower bureaucracies that could better serve needs in housing, health, food security, participatory democracy, and other key citizen engagement points.[104]
- **Require federal guidance before enabling widespread deployment of generative AI in office software.** The planned deployment of generative AI through existing services, including the Windows operating system, Office 365, and Google Workspace Suite means that it will soon be available by default to millions of Americans in their corporate settings.[105] Government agencies run versions of this commercial productivity software with additional security and compliance controls,[106] with impending deployment of these tools to millions of U.S. government employees[107] unless specifically instructed otherwise by the U.S. government. Guidance should be issued on the use of generative AI in government tools before being available by default and how to mitigate the incorporation of sensitive citizen and government information to advanced AI training data.

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