The Leadership Conference

May 20, 2025

The Honorable Gus Bilirakis
Chair
Subcommittee on Commerce, Manufacturing, and Trade
U.S. House of Representatives
Washington, DC 20515

The Honorable Jan Schakowsky
Ranking Member
U.S. House of Representatives
Subcommittee on Commerce, Manufacturing, and Trade
Washington, DC 20515

Dear Chair Bilirakis and Ranking Member Schakowsky,

On behalf of The Leadership Conference's Center for Civil Rights and Technology (Center), we thank you for the opportunity to submit our views regarding artificial intelligence (AI) safeguards. We ask for this letter to be entered into the record of the Commerce, Manufacturing, and Trade Subcommittee hearing titled "AI Regulation and the Future of US Leadership" on May 21, 2025.

Last week's markup saw the advancement of legislation that contained a 10-year moratorium on enforcing state laws on AI. At a time when communities across the country are demanding clear safeguards for how AI is developed and used, state governments are stepping up to the plate to protect their residents while Congress refuses to regulate. States should not be denied their authority to act, especially given Congress' inaction. A 10-year moratorium will prevent states from addressing AI harms, from deep fakes and disinformation to algorithmic discrimination, leaving people vulnerable and exposed to faulty technology. Make no mistake — this is no longer a nascent industry. Companies are making billions from their AI technology, and they don't need Congress' protection in order to avoid accountability.

It sets a dangerous precedent for the future of AI safeguards if Congress preempts state laws when they've enacted no safeguards to speak of. This moratorium means that the public will be left without redress when an AI decision-making system denies life-saving health care, when bad actors use generative AI to manipulate the will of the people in our elections, and when scammers utilize the technology to defraud vulnerable communities like seniors. Instead of prioritizing constituents, Congress is putting corporations first, allowing the

companies that use and create AI to operate without checks and eliminating the existing civil rights safeguards. In short, Congress is giving corporations a 10-year get out of jail free card. All of us will be holding the bag if an AI system fails.

Innovation and equity are not mutually exclusive — as long as systems are proven to be safe and effective *before* implementation. In fact, innovation in AI and technology can potentially help make our country more equitable for everyone. Members of Congress must ensure that AI is used to help tackle societal challenges, such as accessibility, health disparities, food insecurity, equity, and justice. These outcomes are possible if people impacted by those systems trust the decisions being made and are not harmed by them.

Congress needs to enact federal AI protections that include requirements for assessing AI systems used in consequential decision-making to ensure that people are treated fairly; transparency so that people know when AI systems are being used in ways that impact them; recourse mechanisms so that those harmed by faulty AI are able to seek redress; privacy protections to keep data that companies collect and use about individuals is minimized and kept secure; and independent audits to ensure that these measures are put in place. Companies ought to be held accountable for the technology they create, and Congress should protect us from AI harms.

We stand ready to work with Congress on policies that will protect civil rights, prevent unlawful discrimination, and advance equal opportunity. Should you require further information or have any questions regarding this issue, please feel free to contact Jonathan Walter, senior policy counsel, at walter@civilrights.org.

Sincerely,

Alejandra Montoya-Boyer
Senior Director, Center for Civil Rights and Technology