The Leadership Conference

September 12, 2025

Submitted electronically to ai-standards@nist.gov

RE: Request for Comment on the *Proposed Zero Draft Outline for a Standard on AI Testing, Evaluation, Verification, and Validation*

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the rights of all persons in the United States, and its Center for Civil Rights and Technology, we appreciate the opportunity to provide comment on the National Institute of Standards and Technology's (NIST) *Outline: Proposed Zero Draft for a Standard on AI Testing, Evaluation, Verification, and Validation (TEVV)*.[1]

As civil rights advocates, we are committed to ensuring that artificial intelligence (AI) systems are developed and deployed in ways that protect civil rights, prevent discrimination, and promote equity, justice, and our democratic values. NIST's ongoing work to create AI standards is critical for AI to advance. At the same time, it is also vital that such standards include mechanisms to address and avoid potential harm done by AI.

This response draws upon the recommendations in The Leadership Conference's *Innovation Framework: A Civil Rights Approach to AI*.[2] It is also informed by the insights drawn from our work, together with the work of The Leadership Conference's coalition of civil and human rights organizations, and our ongoing focus on the impact of AI on our communities, including from prior submissions.[3]

This work makes clear that any AI governance, including guidance and standards provided to developers or deployers to test, evaluate, verify, and validate AI systems, must be centered on civil rights, equity, and the protection of historically marginalized communities.

While we commend NIST's effort to broaden participation in AI standards development, the current outline falls short in critical areas necessary to safeguard civil rights and prevent harm to individuals, including those in marginalized communities.

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[1] [Outline: Proposed Zero Draft for a Standard on AI TEVV](#).
[2] [The Innovation Framework: A Civil Rights Approach to AI](#).
[3] [Leadership-Conference-Comments-to-National-Science-Foundation-on-National-AI-RD-Strategy.pdf](#).

Why Civil Rights are Foundational to Innovation
Recognizing that the goal of the AI Standards Zero Draft project is to further the advancement of AI and to "unleash AI innovation,[4]" we note that this goal will only be achieved if people can trust that the technology is largely beneficial to them, not harmful.[5] As AI technologies become increasingly integrated into critical sectors such as housing, employment, health care, education, law enforcement, and financial services, it is essential that the national strategy, and subsequent AI standards, like the TEVV proposal, reflect a strong commitment to technology that benefits and safeguards everyone.

It cannot be stressed enough that *protecting civil rights is not a barrier to innovation* – it is a prerequisite for sustainable, inclusive, and trustworthy technological progress. Innovation that disregards equity risks reinforcing systemic discrimination, eroding public trust, and triggering reputational consequences.

Furthermore, discrimination and bias are signals that an AI system is unreliable and that decisions made using that system cannot be trusted. As we emphasize in the *Innovation Framework* published earlier this year, civil rights protections must be embedded in the design, deployment, and evaluation of AI systems to ensure that innovation serves all communities equitably and that the U.S. succeeds in the AI innovation race. By integrating civil rights safeguards into TEVV standards, NIST can help foster a technology ecosystem that is not only innovative and world-leading, but also just and resilient.

Explicit Civil Rights Safeguards
The Zero Draft outline should specifically address how TEVV processes will identify, mitigate, and prevent outcomes in which AI systems violate civil rights. NIST must address harms – such as algorithmic bias in housing, employment, healthcare, and criminal justice that prevent people from accessing critical resources or due process – in any evaluation framework. Civil rights must be considered throughout the AI production lifecycle to build the best possible products. Lack of this focus risks perpetuating systemic harm and undermines public trust and the success of AI models created in the U.S.

Recommendations:
- Specifically include civil rights impact assessments as a component of the TEVV
- Mandate testing for bias and disparate impact across legally protected classes, including race, gender, disability, and age
- Utilize scalable tools for detecting, mitigating, and preventing algorithmic discrimination in the TEVV

Governance and Accountability Mechanisms
While the outline references governance processes, it lacks specificity on how accountability will be enforced. The TEVV should include mechanisms to hold developers and/or deployers accountable for failures in their assessments and subsequent harms caused by the AI systems those companies create or use. We have long advocated for industry accountability and oversight to ensure that AI systems are safe and do not harm individuals. If the intent of the TEVV is to further AI safeguards, accountability

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[4] See, Outline: Proposed Zero Draft for a Standard on AI TEVV.
[5] The instances of AI harm to individuals across industry sectors and government are well documented. See, The Center for Civil Rights and Technology's Comments to OMB on AI Procurement.

processes must be considered explicitly, otherwise the TEVV becomes simply a checkbox exercise instead of an effective and successful governance and accountability tool.

Recommendations:
- Include transparent documentation of decision-making processes
- Establish clear lines of responsibility for developers and deployers of AI systems
- Promote the use of independent reviews and audits of TEVV outcomes

Data and Documentation Standards

Data is the fuel that drives AI. Therefore, the success of the TEVV depends, in part, on sound data practices. To that end, the need for transparency in data provenance, labeling, and representativeness is clear. Ensuring an AI system is fair is only possible with inclusive data and testing methods that reflect real-world diversity. The Zero Draft should include requirements for testing AI systems on diverse and representative datasets.

Recommendations:
- Include dataset documentation standards
- Mandate disclosure of training data characteristics
- Address data sets used in operation of the AI systems and ongoing review of that data to ensure it does not cause biased outcomes

Public Participation and Community Input

Although NIST invites feedback on the Zero Draft outline, it should also institutionalize community engagement as companies implement the TEVV to continue to improve the framework and ensure that it is as strong and as innovative as possible. the strongest and most innovative governance framework. In brief, the TEVV should incentivize developers and deployers of AI systems to engage with the communities their product(s) may impact. Civil rights advocates have long argued that impacted communities must be part of the process to prevent harm and help companies evaluate AI systems in real-world contexts, helping them to create more resilient systems.

Recommendations:
- Require continual community engagement as part of the evaluation process of AI systems
- Encourage cross-disciplinary and continual collaboration with academics, civil society, and civil rights organizations.

Conclusion

As work progresses on the creation of the TEVV standard, we urge NIST to explicitly incorporate civil rights protections, prioritize fairness and accountability, and ensure meaningful public participation. It is vital that technological innovation upholds our nation's democratic values and protects the rights of all individuals. By following these core national values, NIST can foster AI systems that are beneficial for everyday people and for U.S.-based AI deployers and developers. Only then will the U.S. ensure our AI systems are truly competitive against international competitors. Should you require further information or

have any questions regarding this issue, please contact Alejandra Montoya-Boyer, Vice President, the Center for Civil Rights and Technology, at techcenter@civilrights.org.

Sincerely,

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The Leadership Conferenc on Civil and Human Rights